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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,718	02/13/2001	Steven P. Hamilton	15879-13	1023

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SUNG I. OH, PROFESSIONAL LAW CORPORATION
710 QUAIL VALLEY LANE
WEST COVINA, CA 91791

EXAMINER

LOWE, MICHAEL S

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/782,718	Applicant(s) HAMILTON, STEVEN P.	
	Examiner M. Scott Lowe	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-45, 53, 55 and 57 is/are pending in the application.
- 4a) Of the above claim(s) 23-44 and 53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22, 45, 55, 57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 13 November 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The indicated allowability of the claims is withdrawn in view of further consideration of the cited references and new found reference Nowell (US 4,900,215). Rejections based on the new and reconsidered references follow. The finality of the last office action is withdrawn.

Election/Restrictions

Claims 23-44,53 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 7/9/02.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22,55,57 are rejected under 35 U.S.C. 102(B) as being anticipated by Speier (US 5,228,712).

Re claims 22,55,57, Speier teaches a method for transporting a cycle by way of the inherent use and construction of the disclosed apparatus T comprising:
positioning a first cradle bar (not numbered, sidewall of 16) substantially parallel to a longitudinal axis defined by a first wheel 31 and a second wheel 34;
positioning a second cradle bar (not numbered, sidewall of 16) opposite said first cradle bar and substantially parallel to the longitudinal axis defined by the first wheel 31 and the second wheel 34;

placing a first front chock 14 substantially adjacent to a front side of the first wheel 31 to define a first position, wherein the first front chock is releasably coupled to the first and second cradle bars;

securing the first front chock 14 in the first position;

placing a first rear chock 20 substantially adjacent to a back side of the second wheel 34 to define a second position, wherein the first rear chock is releasably coupled to the first and second cradle bars;

securing the first rear chock 20 in the second position; and

coupling a dolly V to a first end of each of the first and second cradle bars extending from the first front chock.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Speier (US 5,228,712) in view of Nowell (US 4,900,215).

Re claim 45, Speier teaches a second dolly 45, W1, W2 coupled to the second end of the cradle bars but does not teach an actuator and arms. Nowell teaches a dolly with an actuator 32 and arms 56, 26, 28, etc., in order to allow powered lifting and

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transport of vehicles (summary of the invention). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Speier by Nowell to have a dolly with an actuator and arms in order to allow powered lifting and transport of vehicles.

Claims 22,45,55,57, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman (US 3,912,139) in view of Hymer (US 5,462,398), Casey (US 4,696,484) and Neff (US 3,822,798).

Re claims 22,45,55,57, Bowman teaches a method by the obvious process of using of an apparatus 10 for transporting a cycle 130 comprising a first front chock 16,18 adapted to associate with the front side of a first wheel 132 of a cycle.

Bowman teaches the rear sidewalls acting as rear chocks (column 4, lines 36-37) but does not teach a first rear chock adapted to associate with the back side of a second wheel of the cycle. Hymer teaches using rear-hinged ramp 150 as a rear chock adapted to associate with the backside of a second wheel of a cycle in order to keep the cycle from moving. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Bowman by Hymer to use rear-hinged ramp 20 as a rear chock adapted to associate with the backside of a second wheel of a cycle in order to keep the cycle from moving.

Bowman does not teach a dolly adapted to couple to a first end of each of the cradle bars extending from the first front chock, said dolly having an actuator and a pair of arms, each of said arms having a pivotal end and a free end, said pivotal end of each

of said arms pivotally coupled to the actuator. Casey teaches a dolly adapted to couple to a first end of each of cradle bars 24,26 extending from the first front chock, said dolly having an actuator 82 and a pair of arms, each of said arms having a pivotal end and a free end, said pivotal end of each of said arms pivotally coupled to the actuator.

Neff teaches the desirability of having a cycle transport with dollies in order to move the transport independent of the tow vehicle to a storage place (column 3, lines 50-52).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Bowman by Casey for the reason taught by Neff to have a dolly adapted to couple to a first end of each of cradle bars extending from the first front chock, said dolly having an actuator and a pair of arms, each of said arms having a pivotal end and a free end, said pivotal end of each of said arms pivotally coupled to the actuator in order to be able roll a cycle on or off of a towing vehicle to a storage place.

As just modified Bowman teaches a pair of cradle bars 12a,12b,14a,14b releasably coupled to the first front 16, 18 and rear chocks 20 wherein the first and second wheels are positioned between the pair a cradle bars.

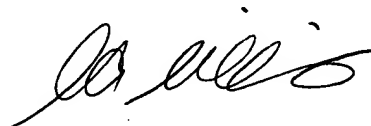
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6607. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msl



EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600